



ANNO DECIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1965

No. 21 of 1965

An Act to provide for the control of land used by the public with the consent of the owners thereof as private access roads, parking areas, or pedestrian walkways to premises, and for incidental purposes.

[Assented to 18th November, 1965.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Private Parking Areas Act, 1965". Short title.

2. In this Act, unless the context or subject matter otherwise requires— Interpretation.

"owner", in relation to any land, means the owner in fee simple thereof or in relation to land registered under the Real Property Act, 1886-1963, means the lessee thereof and in relation to any land vested in any Minister of the Crown or any instrumentality of the Crown means that Minister or instrumentality:

"private access road" means a roadway provided by an owner on his land as a means of access for vehicles or pedestrians or both to and from premises of any kind owned by that owner upon which road there is a notice stating that the land is a private access road:

"private parking area" means an area provided by an owner on his land for the parking of vehicles used by persons frequenting premises of any kind owned by that owner upon which area there is a notice stating that the land is a private parking area:

“private pedestrian walkway” means land provided by an owner on his land for use by pedestrians as a means of access to and from premises of any kind owned by that owner upon which land there is a notice or notices stating that the land is a private pedestrian walkway :

“vehicle” includes a pedal bicycle, pedal tricycle, motor bicycle, and motor tricycle but does not include a wheel chair.

Conditions for use of private access roads, parking areas and pedestrian walkways.

3. (1) The owner of any private access road, private parking area or private pedestrian walkway may, by notice or notices displayed thereon, fix conditions relating to the use which may be made of the private access road, private parking area or private pedestrian walkway, as the case may be, or of any part thereof, by pedestrians or drivers or riders of vehicles.

(2) Without limiting the generality of the foregoing provisions of subsection (1) of this section any such notice may prescribe—

- (a) speed limits to be observed by drivers or riders of vehicles on any private access road or private parking area or on any part thereof ;
- (b) places within any private access road or private parking area where vehicles may not be left standing ;
- (c) the manner in which vehicles shall be placed when left standing on any private access road or private parking area or on any part thereof ;
- (d) the times within which vehicles may or may not be left standing on any private access road or private parking area or on any part thereof and the limit of time for which any vehicle may be left so standing ; and
- (e) any purpose for which any private access road, private parking area, or private pedestrian walkway or any part thereof shall not be used.

(3) Any implied permission to use any such private access road, private parking area or private pedestrian walkway shall be subject to the conditions so displayed.

(4) If any person whilst on any private access road, private parking area or private pedestrian walkway commits any act in breach of any such condition and, after being requested by the owner of the private access road, private parking area or private pedestrian walkway, as the case may be, or his agent or servant or by a member of the police force, to comply with that condition fails to comply with the request, he shall be guilty of an offence.

Penalty : Ten pounds.

4. (1) If any person, without the consent of the owner of a private pedestrian walkway or an employee or agent of the owner, drives or rides any vehicle on the private pedestrian walkway, he shall be guilty of an offence.

Driving vehicles, etc., on private pedestrian walkway.

Penalty : Ten pounds.

(2) If any person without the consent of the owner of a private pedestrian walkway or of an employee or agent of the owner, leaves any pedal bicycle or pedal tricycle at any place in the private pedestrian walkway other than at a place provided for the purpose, he shall be guilty of an offence.

Penalty : Ten shillings.

5. If any person, without the consent of the owner of a private parking area, or an employee or agent of the owner, uses the private parking area for any purpose other than the parking of a vehicle, he shall be guilty of an offence.

Use of private parking area.

Penalty : Ten pounds.

6. If any person leaves any vehicle on any private access road, private parking area or private pedestrian walkway and, on being requested by the owner of the private access road, private parking area, or private pedestrian walkway, as the case may be, or by the employee or agent of the owner or by a member of the police force, to remove the vehicle from the private access road, private parking area or private pedestrian walkway, fails so to do, he shall be guilty of an offence.

Removal of vehicles, etc.

Penalty : Five pounds.

7. If any person, without the consent of the owner of any private access road, private parking area or private pedestrian walkway or an employee or agent of the owner, uses roller skates on the private access road, private parking area, or private pedestrian walkway, as the case may be, he shall be guilty of an offence.

Roller skating.

Penalty : Ten shillings.

8. Notwithstanding any other provisions of this Act, any exempt vehicle within the meaning of section 40 of the Road Traffic Act, 1961-1964, may be driven or left standing on any private access road, private parking area or private pedestrian walkway and any of the conditions referred to in section 3 shall not apply thereto.

Exemption of fire, ambulance and police vehicles.

Effect of user
by public of
private
access road,
etc.

9. Notwithstanding anything contained in any other Act or law, user for any period of time by the public of any private access road, private parking area or private pedestrian walkway shall not create any right over or right of passage in the private access road, private parking area, or private pedestrian walkway and no such user shall constitute or provide a ground for constituting the private access road, private parking area or private pedestrian walkway, a highway, street or road.

Proof of
private
access road,
etc.

10. (1) If, in any proceedings in any court, evidence is given that a notice was displayed on any land at any time to the effect that the land is a private access road, a private parking area, or a private pedestrian walkway, that evidence shall be *prima facie* evidence that the land was, at that time, a private access road, private parking area or private pedestrian walkway, as the case may be.

(2) In any proceedings for an offence against this Act, an allegation in the complaint that the act complained of was committed without the consent of the owner, or the employee or agent of the owner, on a specified private access road, private parking area, or private pedestrian walkway, as the case may be, shall be *prima facie* evidence that the act was committed without that consent.

Summary
disposal of
offences.

11. Proceedings for offences against this Act shall be disposed of summarily.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.